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716, 718; Dec. Dig. § 296.* 7 Va.-W. Va. Enc. Dig. 744; 14 Va.-W. Va. Enc. Dig. 566; 15 Va.-W. Va. Enc. Dig. 522.]

6. Trial (§ 242*)—Instructions—Misleading Instructions.—Instructions which are obscure or ambiguous, or for any reason confusing or misleading, should not be given.

[Ed. Note.—For other cases, see Trial, Cent. Dig. §§ 569-576; Dec. Dig. § 242.* 7 Va.-W. Va. Enc. Dig. 727; 14 Va.-W. Va. Enc. Dig. 564; 15 Va.-W. Va. Enc. Dig. 516.]

7. Trial (§ 295*)—Instructions—Cure by Other Instructions.—Instructions must be read as a whole, and defects in one may be cured by another, where, taken as a whole, they could not have misled.

[Ed. Note.—For other cases, see Trial, Cent. Dig. §§ 703-717; Dec. Dig. § 295.* 7 Va.-W. Va. Enc. Dig. 744; 14 Va.-W. Va. Enc. Dig. 566; 15 Va.-W. Va. Enc. Dig. 522.]

Error to Circuit Court, Tazewell County.

Action by Manuel Hairston against the Pocahontas Consolidated Collieries Company, Incorporated. Judgment for plaintiff, and defendant brings error. Reversed and new trial awarded.

Henry & Graham & Hawthorne, of Tazewell, for plaintiff in error.

Wm. H. Werth, of Tazewell, and *Haiston & Willis*, of Roanoke, for defendant in error.

WISEMAN v. COMMONWEALTH.

Jan. 12, 1915.

[83 S. E. 1052.]

1. Intoxicating Liquors (§ 200*)—Soliciting Orders in Dry Territory—Indictment—Sufficiency.—An indictment charging that accused in no-license territory acted as agent for the sale and transmission of an order for intoxicating liquors given to him by a third person, and that accused had no license, does not state an offense under Acts 1910, c. 190, § 33, providing that no person shall in any no-license territory solicit orders for liquor or act as agent for the sale and transmission of orders, whether the statute be construed as not forbidding the sale and transmission of unsolicited orders, or whether it be construed to create two offenses; one the soliciting of orders for liquor in no-license territory; and the other the acting as agent for the sale of liquor and the transmission of orders therefor.

[Ed. Note.—For other cases, see Intoxicating Liquors, Cent. Dig.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

§§ 219, 220; Dec. Dig. § 200.* 8 Va.-W. Va. Enc. Dig. 23; 14 Va.-W. Va. Enc. Dig. 585; 15 Va.-W. Va. Enc. Dig. 538.]

2. Indictment and Information (§ 109*)—Statutory Offenses—Sufficiency of Indictment.—An indictment under a statute must state all the circumstances which constitute the definition of the offenses so as to bring accused precisely within the statute, and where the indictment may be true, and accused may not be guilty of the statutory offense, the indictment is insufficient.

[Ed. Note.—For other cases, see Indictment and Information, Cent. Dig. §§ 286-288; Dec. Dig. § 109.* 7 Va.-W. Va. Enc. Dig. 403; 15 Va.-W. Va. Enc. Dig. 533.]

Error to Circuit Court, Louisa County.

A. B. Wiseman was convicted of crime, and he brings error. Reversed.

Hill Carter, of Richmond, for plaintiff in error
The Attorney General for the Commonwealth.

CALDWELL et ux. v. TANNEHILL.

Jan. 12, 1915.

[84 S. E. 6.]

1. Brokers (§ 49*)—Compensation—Right to.—A real estate broker, to recover compensation, must show that he has completed his undertaking according to its terms, or that its completion was prevented by the principal's unauthorized act.

[Ed. Note.—For other cases, see Brokers, Cent. Dig. §§ 70-72; Dec. Dig. § 49.* 2 Va.-W. Va. Enc. Dig. 638; 14 Va.-W. Va. Enc. Dig. 176; 15 Va.-W. Va. Enc. Dig. 145.]

2. Brokers (§ 52*)—Compensation—Contracts.—Where a broker's authority to sell property expired, unless the land was sold, or contracted in writing to be sold, on or before a named date, the broker did not become entitled to his commission merely because, within the time fixed, he produced a purchaser ready, able and willing to buy, where the land was not sold, and no written contract of sale was executed, within the time fixed.

[Ed. Note.—For other cases, see Brokers, Cent. Dig. § 73; Dec. Dig. § 52.* 2 Va.-W. Va. Enc. Dig. 629; 14 Va.-W. Va. Enc. Dig. 176; 15 Va.-W. Va. Enc. Dig. 145.]

3. Brokers (§ 63)—Compensation—Right to.—Defendant, who authorized a broker to sell, or contract in writing to sell, his land before a given date, refused to sign an agreement prepared by the customer's counsel, which was not in accordance with the terms on

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.